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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF WASHINGTON**

7 ROBERT TODD APPLEGATE,

No. 4:16-CV-05059-FVS

8 Plaintiff,

9 ORDER ADOPTING REPORT AND
10 RECOMMENDATION TO GRANT
11 PLAINTIFF'S MOTION FOR
12 SUMMARY JUDGMENT AND
13 DENY DEFENDANT'S MOTION
14 FOR SUMMARY JUDGMENT

vs.
COMMISSIONER OF SOCIAL
SECURITY

Defendant.

15 BEFORE THE COURT is the Report and Recommendation issued by
16 Magistrate Judge Mary K. Dimke on August 14, 2017, ECF No. 20, recommending
17 Plaintiff's Motion for Summary Judgment, ECF No. 13, be granted and
18 Defendant's Motion for Summary Judgment, ECF No. 16, be denied. No objection
19 was filed. After review, the Court hereby adopts the Report and Recommendation
20 in its entirety. Accordingly, **IT IS ORDERED:**

1. The Report and Recommendation, **ECF No. 20**, is **ADOPTED** in its
entirety.

2. Plaintiff's Motion for Summary Judgment, ECF No. 13, is

GRANTED.

3. Defendant's Motion for Summary Judgment, ECF No. 16, is

DENIED.

4. An application for attorney fees may be filed by separate motion.

The District Court Executive is directed to file this Order and forward copies to counsel. Judgment shall be entered for Plaintiff and the file shall be **CLOSED**.

DATED August 30, 2017.

s/Fred Van Sickle

Fred Van Sickle

Senior United States District Judge